

1 MICHAEL J. SHEPARD (Bar No. 91281)

mshepard@kslaw.com

2 **KING & SPALDING LLP**

3 50 California Street, Suite 3300

4 San Francisco, California 94111

Telephone: +1 415 318 1200

Facsimile: +1 415 318 1300

5 KERRIE C. DENT (Admitted *pro hac vice*)

kdent@kslaw.com

6 **KING & SPALDING LLP**

7 1700 Pennsylvania Avenue, NW, Suite 900

Washington, DC 20006-4707

8 Telephone: +1 202 626 2394

Facsimile: +1 202 626 3737

9 CINDY A. DIAMOND (SBN 124995)

cindy@cadiamond.com

10 **ATTORNEY AT LAW**

11 58 West Portal Avenue, #350

12 San Francisco, CA 94127

Telephone: +1 408 981 6307

13 Attorneys for Defendant

14 ROWLAND MARCUS ANDRADE

15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

Case No. 3:20-CR-00249-RS (LBx)

19 Plaintiff,

**DEFENDANT'S PROPOSED TRIAL
TESTIMONY IMPEACHMENT**

20 v.

Judge: Hon. Richard Seeborg
Dept.: Courtroom 3 – 17th Floor

21 ROWLAND MARCUS ANDRADE,

22 Defendant.

TRIAL TESTIMONY IMPEACHMENT

March 2, 2025

Testimony Date	Witness	302	Testimony
2/20/2025	Szeder	FBI-302-002625	p 1347 BY MR STEFAN: Q. Do you recall talking to the FBI on January 9th of 2019? A. I remember I spoke to them. I don't remember specifically what day. Q. You told them there were certain aspects of the autotrading algorithm that were too subtle for you to confidently handle yourself. Those were your words to them? A. I don't remember that.
2/20/2025	Szeder	FBI-302-002625	p 1348 BY MR STEFAN Q. Again, you spoke to the FBI on January 9th of 2019? A. Mm-hmm. Q. You told them the autotrader was never actually operational? A. Okay. Q. Those were your words? A. I don't remember. Let's -- yes, let's say that that's what I said. I don't remember saying that, but I also don't remember what they did with it either.
2/20/2025	Szeder	FBI-302-005287	pp 1357-58 BY MR STEFAN Do you recall talking to the FBI on October 16th of 2019? I think we discussed that earlier. A. Okay. Q. Do you recall speaking to the FBI? A. I did, mm-hmm. Q. You told them on October 16th, 2019, you never read the white paper about the company. That would have been -- A. I don't remember that, but okay. I don't know if I read it before or after, but I did recall looking at it because it's on the -- it's on the front page of the website. Q. Your words to the FBI were "Never read the white paper about the company." A. Okay. Maybe I did after at that point, but okay.
2/24/2025	Abramoff	FBI-302-035197	p 1758 BY MR SHEPARD Q. Well, do you recall talking to the FBI on January 30th of this year and telling them that you often called Marcus an idiot? A. I don't recall that, but I'm not denying I may have called him an idiot frequently because I felt he was doing things that are problematic with the project, yes. Q. My question to you was: Didn't you tell the FBI on January 30 of this year that you often called Marcus an idiot? A. I don't recall what I told them. Q. And that was three weeks ago; right? A. Sir, I don't recall.

TRIAL TESTIMONY IMPEACHMENT

March 2, 2025

Testimony Date	Witness	302	Testimony
2/24/2025	Abramoff	FBI-302-001655	<p>p.1767 BY MR. SHEPARD Q. I did not ask you that. I asked you if that's what you said to Mr. Gupta. A. I don't recall what I said to Mr. Gupta. Q. Okay. Do you deny telling him that your son Alex said Aten Coin had risen to \$80 before being taken off the market so that an earlier offer of coins would be worth 24 million and that Alex encouraged you to get back in touch with Marcus Andrade so you did? A. I don't deny saying it. I may have misspoken that Alex said the \$80 part, but Alex definitely encouraged me to get back involved. MR. SHEPARD: I move to strike everything after "I don't deny saying it." THE COURT: I'll grant that motion.</p>
2/25/2025	Abramoff	FBI-302-027578 FBI-302-027587	<p>p 1822 BY MR SHEPARD Q. Do you remember telling the FBI, when you were interviewed by them on November 14th of last year, that you were under the impression that more money was spent on AML BitCoin technology than on marketing? A. I don't recall making the statement, but it makes sense in terms of what I was thinking about the project, but I don't recall the statement.</p>
2/25/2025	Abramoff	FBI-302-027578	<p>p 1832 BY MR SHEPARD Q. Well, you remember talking to the FBI in November of last year, November 14th, and you told them at that time that Morgan & Morgan discussed the possibility of working on the government of Panama to adopt AML BitCoin? That's what you said; correct? A. I just don't have present recollection. Q. Okay. You don't remember what you said to them in November? A. I don't remember that portion.</p>
2/25/2025	Abramoff	FBI-302-001737	<p>p. 1862 BY MR. SHEPARD Q. Shifting subjects now, Mr. Abramoff, you had a conversation in August of 2018 with someone who turned out to be cooperating with the Government. Has the FBI explained that to you? A. Yes. Q. And, in fact, they did that a number of times, both to you and to Marcus; right? A. Correct. Q. And you knew that Dillman prepared his own marketing material and Marcus made him have AML BitCoin lawyers review them; right?</p>

TRIAL TESTIMONY IMPEACHMENT

March 2, 2025

Testimony Date	Witness	302	Testimony
			<p>A. I don't recall the review of the lawyers, but I do recall that Dillman prepared his own materials.</p> <p>Q. Well, you remember telling this person who was working undercover for the FBI on August 27, 2018, that Dillman prepared his own marketing material and Marcus made him have AML BitCoin lawyers review them?</p> <p>A. I don't recall saying it. I'm not denying it, but I don't recall it.</p> <p>Q. And you also told the cooperating witness that Dillman did not follow that requirement; right?</p> <p>A. Likely. I just -- I just don't recall, but likely.</p>
2/19/2025	Carlsen	FBI-302-026610	<p>p 1278</p> <p>Q. Well, do you remember talking to the FBI last year?</p> <p>A. I do.</p> <p>Q. And you told the FBI last year that Marcus was not a good businessman, didn't you?</p> <p>A. I -- I may have.</p> <p>Q. And the reason you cited for it was that he had two teams working on the software at the same time; right?</p> <p>A. Yeah, he did.</p>
2/19/2025	Carlsen	FBI-302-003540	<p>p 1278-79</p> <p>Q. And you thought that based on your review of it, that Marcus had probably spent about a million dollars on its development; correct?</p> <p>A. I don't recall what he spent on it, to be honest.</p> <p>Q. Well, I think you estimated for the FBI what you thought he probably spent; right?</p> <p>A. I knew what we were planning to spend on the Bitcoin side of it, not that side of it.</p> <p>Q. Okay. Well, you told the FBI in 2019 --</p> <p>A. Mm-hmm.</p> <p>Q. -- when you were first interviewed by the FBI, that Mr. Andrade probably spent about a million dollars on overall development; correct?</p> <p>A. If that's what I said then, that's what I said. I don't recall saying that, so...</p>
2/19/2025	Carlsen	FBI-302-003540	<p>p 1280</p> <p>Q. Okay. But you did make contact with Richard Naimer sometime late July, August of 2018; correct?</p> <p>A. Possibly. But, I mean, I didn't actually meet him or have interaction until the trip to London.</p> <p>Q. Okay. Well, you remember telling the FBI that Mr. Naimer went quiet until the end of July and then you reached back out to him in early August of 2018? Do you remember that?</p> <p>A. I would have thought that would have been Marcus, not -- not -- not anybody else, really, because I was trying to get a gauge as to if he was going to move forward with the project or not.</p>

TRIAL TESTIMONY IMPEACHMENT

March 2, 2025

Testimony Date	Witness	302	Testimony
12/20/2025	Carlsen	FBI-302-003540	<p>p.1308</p> <p>Q. I think you said yesterday that you did not recall saying to the FBI that Marcus spent about a million dollars on overall development.</p> <p>A. Yeah. I mean, I think the only real million-dollar conversation came up with the budget that I knew of, which was my budget.</p> <p>Q. I'm going to show you something to see if it refreshes your recollection.</p> <p>A. Okay.</p> <p>Q. If you'll take a look at that. Feel free to peruse it to the extent you need to. You can start on page 1 to see what it is, an FBI report.</p> <p>A. (Witness examines document.) Yeah, I see that.</p> <p>Q. And if you look at the end of the first complete paragraph on page 3 --</p> <p>A. Mm-hmm.</p> <p>Q. -- the last sentence in that paragraph, do you see that?</p> <p>A. Yeah, I see that.</p> <p>Q. Does that refresh your recollection that you said to the FBI on or about February 27, 2019, that Marcus spent about a million dollars on overall development?</p> <p>A. I mean, I read that. I don't recall the conversation, but --</p> <p>Q. Okay.</p> <p>A. -- yeah.</p> <p>Q. I'm done with that so I can take it back from you.</p>